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Message: Enclosed herewith: <ul style="list-style-type: none">• Transmittal Document; and• Reply Brief.	
Re: Application No. 10/044,728 Attorney Docket No: RSW920010154US1	
Date: Tuesday, January 18, 2005	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Haynes**Serial No.: **10/044,728**Filed: **January 11, 2002**For: **Pointing Device Attribute
Variance Based on Distance/Time
Ratio****36736**PATENT TRADEMARK OFFICE
CUSTOMER NUMBER§
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§Group Art Unit: **2675**Examiner: **Srilakshmi K. Kumar**Attorney Docket No.: **RSW920010154US1**Certificate of Transmission Under 37 C.F.R. § 1.8(n)

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JAN 18 2005

Sir:

ENCLOSED HERewith:

- Reply Brief (37 C.F.R. 41.41).

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0461. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0461.

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Docket No. RSW920010154US1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Haynes

Serial No. 10/044,728

Filed: January 11, 2002

For: Pointing Device Attribute
Variance Based on Distance/Time
Ratio§
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Group Art Unit: 2675

Examiner: Srilakshmi K. Kumar

JAN 18 2005

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on January 18, 2005.

By:

Carrie Parker
Carrie Parker

REPLY BRIEF (37 C.F.R. 41.41)

This brief is in reply to the Examiner's Answer, dated November 15, 2004.

The fees required under § 1.17(c), and any required petition for extension of time for filing this
brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF REPLY
BRIEF.(Reply Brief Page 1 of 6)
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JAN 18 2005

ARGUMENT

In the Examiner's Answer, the examiner has provided appellants a translated copy of the *Shinichiro* reference, from which arguments in the Examiner's Answer are based. Appellants have addressed to the cited sections of the newly provided translation in this Reply Brief.

With respect to claims 1, 3, 5-11, and 13-18, the Examiner's Answer states:

In response to applicant's arguments with respect to claims 1, 3, 6-11, and 15-18, applicant argue the prior art *Shinichiro* does not anticipate the present invention as recited in claim 1, because *Shinichiro* fails to teach each and every element of the claims, specifically where in a presentation to the pointer is altered if the rate of movement exceeds the given threshold of speed, wherein other thresholds are present in addition to the given threshold of speed and wherein the pointer is changed each time one of the other thresholds is exceeded.

With respect to the prior art *Shinichiro*, as shown by the translation, in paragraphs 0015-0019, predetermined signal actuation is performed when a user manipulates the pointing device. This predetermined signal actuation enhances the cursor displayed in order make locating the cursor easier. Cursor changes are accomplished by detecting the variation rate of the speed of the pointing device. The cursor display control detects speed thresholds of the cursor. When the cursor speed exceeds predetermined rate thresholds, the display emphasis processing means changes the display of the cursor, such as enlarging, color, and brightness. *Shinichiro* in paragraphs 0024-0026, where there are multiple threshold rates of speed to determine changes in the cursor display. These features of *Shinichiro* is the same as automatically updating a presentation of the pointer using a series of different changes in presentation based on the rate of movement or rates of movement as disclosed by the applicant.

Examiner's Answer dated November 15, 2004, page 6.

Appellants agree that *Shinichiro* teaches providing a cursor display controller to allow a user to easily and quickly view a cursor position and not to lose sight of the cursor when the mouse is moved. However, *Shinichiro* does not teach the feature of wherein the presentation of the pointer is a series of different changes in presentation based on the rate of movement for the pointing device as recited in claims 1 and 12-18.

The examiner interprets paragraphs 0015-0019 of *Shinichiro* as teaching that a "predetermined signal actuation is performed when a user manipulates a pointing device" (Examiner's Answer, page 6), as shown below:

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[0015] If according to this equipment predetermined signal actuation is performed when those who operate the pointing device connected to the calculating machine etc., i.e., a user, miss cursor, this will be detected by the signal actuation detection means. Then, it makes cursor easy for a display emphasis processing means to make the display of the cursor on the screen of a display emphasize, and to check by looking to a user.

[0016] the cursor display control concerning this invention – continuous – a variation rate – the variation rate concerned from said pointing device which outputs an amount -- it has a cursor advance rate decision means to ask for the passing speed and said cursor based on an amount, and said signal detection means is characterized by detecting said signal actuation which used change of said passing speed at least.

[0017] According to this invention, the passing speed of cursor is calculated from the amount of displacement continuously outputted every moment from pointing devices, such as a mouse and a trackball, and the combination of actuation of the pointing device by the user who brings about change of this passing speed, or this and actuation of other classes is used as signal actuation detected by the signal means.

[0018] It detects that the suitable mode of this invention exceeded the rate threshold predetermined [means / said / signal detection] in said passing speed as said signal actuation. In this invention, when the average momentary passing speed or passing speed exceeds a rate threshold, the display of cursor is emphasized.

[0019] Said display emphasis processing means expands the display size of said cursor, and the suitable mode of this invention performs said emphasis. Said display emphasis processing means displays said cursor with the complementary color of the background color of the cursor concerned, and the suitable mode of this invention performs said emphasis. Said display emphasis processing means expands the brightness difference around said cursor and cursor concerned, and another suitable mode of this invention performs said emphasis.

The paragraphs above teach a signal actuation detection means that detects a change in the passing speed of the cursor. If a change in speed is detected by the signal actuation means, a determination is made whether the detected change in speed passes a certain threshold. If the passing speed exceeds the threshold, the cursor display is emphasized, such as expanding the size of the cursor to allow the user to locate the cursor in motion.

Although appellants do not disagree that *Shinichiro* teaches changing the display of a cursor if the speed of the cursor passes a threshold to allow a user to easily and quickly view a cursor position and not to lose sight of the cursor when the mouse is moved, *Shinichiro* still does not teach presenting the pointer in a series of different changes in presentation based on the rate

of movement for the pointing device. The examiner interprets the following paragraphs of *Shinichiro* as teaching this feature:

[0024] Drawing 2 is the processing flow Fig. showing the outline of cursor display-control processing of this operation gestalt. The amount of displacement from the mouse interface 6 is inputted into CPU2, which is a cursor display control, and it calculates the location of cursor, and passing speed based on the amount of displacement (S200). The location of the migration place of cursor is determined by adding the amount of displacement of the direction of X, and the amount of displacement of the direction of Y to the X coordinate and Y coordinate showing a current cursor display position as usual, respectively. On the other hand, it can be considered that the amount of displacement of the mouse 8 in the round term itself is the passing speed of cursor, without doing a division with a time interval anew, since the amount of displacement is proportional to passing speed if the output of the amount of displacement from the mouse interface 6 is performed with a fixed time interval about passing speed. Moreover, when the output period of the amount of displacement is not fixed, let the value, which did the division of the amount of displacement from the mouse interface 6 with the corresponding time interval be passing speed. Thus, CPU2 functions as a cursor advance rate decision means.

[0025] Cursor display-control processing chooses next the cursor pattern according to the location of the migration place of the cursor for which is asked by processing S200, and the processing state of a computer (S210). This is the same processing as usual.

[0026] If a cursor pattern is chosen, CPU2 will judge next whether predetermined signal actuation it is supposed that is carried out when a user misses cursor is performed. With this operation gestalt, it is set up as this signal actuation that the mouse 8 is moved quickly, and it judges whether CPU2 is beyond a rate threshold predetermined in a cursor advance rate as a signal actuation detection means (S220). For example, a rate threshold is set [second] up in about hundreds-1000 dots /.

The paragraphs above disclose calculating the speed of the cursor based on the amount of displacement. A cursor display-control processing then selects a cursor pattern according to the location of the cursor migration. When a cursor pattern is chosen, the CPU2 then determines if the movement of the cursor is beyond the threshold to perform the signal actuation means to emphasize the display. However, as shown above, there is no mention in these cited paragraphs, nor any other section of *Shinichiro*, of presenting the pointer in a series of different changes based on the rate of movement for the pointing device. Neither does *Shinichiro* mention the desirability of including this feature at all. Rather, *Shinichiro* merely discloses detecting whether the speed of the cursor has passed a predetermined threshold, and if so, emphasizing the cursor

display to allow the user to track the cursor movement. Thus, even though *Shinichiro* teaches using a display change to emphasize the cursor, *Shinichiro* fails to teach or suggest altering the cursor display in a series of different changes, such that the display changes are performed in a series based on the rate of movement of the pointing device.

Since claims 3, 6, and 8-10 depend from claim 1, the same distinctions between *Shinichiro* and the claimed invention in claim 1 apply for these claims.

The Examiner's Answer further states:

In response to applicant's arguments with respect to claim 5, limitations of claim 5 state where the pointer returns to its previous appearance when the rate move movement for the pointing device decreases below the given threshold of speed. *Shinichiro* discloses in the translation, paragraphs 0027-0028, where after user input, the speed of the cursor is judged. If the speed rate is under a threshold, the signal actuation is not performed. When the signal actuation is not performed, the usual cursor pattern is chosen by the processor. It would have been obvious to one of ordinary skill that if the usual cursor pattern is chosen by the processor, it would indicate that the system of *Shinichiro* returns the pointer to its previous appearance.

Examiner's Answer dated November 15, 2004, pages 6-7. The arguments made with respect to claims 1, 3, 6, 8-11, and 15-18 apply to the claim 5 as well. As mentioned previously, there is no teaching or suggestion of presenting the pointer in a series of different changes in presentation based on the rate of movement for the pointing device in *Shinichiro*. Nowhere does *Shinichiro* teach altering the cursor display in a series of different changes, such that the display changes are performed in a series based on the rate of movement of the pointing device.


Furthermore, the Examiner's Answer asserts, "it would have been obvious to one of ordinary skill that if the usual cursor pattern is chosen by the processor, it would indicate that the system of *Shinichiro* returns the pointer to its previous appearance" (page 7). Although *Shinichiro* teaches that if a signal actuation is performed, the display emphasis processing is performed, and alternatively, if the signal actuation is not performed, a usual cursor pattern is displayed (paragraphs 0026-0027), appellants agree with the examiner that the *Shinichiro* reference still does not teach that the pointer returns to its previous appearance when the rate movement for the pointing device decreases below the given threshold of speed.

Furthermore, appellants assert that it would not have been obvious to one of ordinary skill that a pointer is returned to its previous appearance when the rate of movement for the pointing

device decreases below the given threshold of speed. While Shinichiro teaches that if signal actuation is not performed the usual cursor display is presented to the user, this usual cursor display is not the same as returning the cursor to its previous appearance. As argued above in the rejection of claim 1, the present invention may provide a series of different changes in cursor presentation. Thus, with the present invention, a cursor returned to its previous appearance may not be the usual cursor display as mentioned in Shinichiro. In fact, as the return to a previous appearance in the present invention is based on the cursor falling below the given threshold of speed, the cursor display returned to may be a cursor display that is not the initial or usual cursor display presented to the user, but rather a different cursor display used in the series of different cursor presentations. Consequently, it would not have been obvious to one of ordinary skill that the pointer is returned to its previous appearance.

CONCLUSION

In view of the comments above, appellants respectfully submit that the rejections of claims 1, 3, 5-11, and 13-18 are overcome. Accordingly, it is respectfully urged that the rejection of claims 1, 3, 5-11, and 13-18 not be sustained.



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